

1 McGREGOR W. SCOTT  
United States Attorney  
2 BOBBIE J. MONTOYA  
Assistant U. S. Attorney  
3 501 I Street, Suite 10-100  
Sacramento, California 95814-2322  
4 Telephone: (916) 554-2700

5 Attorneys for Defendant

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 CORINNE L. ALEXANDER,

9 Plaintiff,

10 v.

11 JO ANNE B. BARNHART,  
12 Commissioner of  
Social Security,

13 Defendant.  
14

CASE NO. **2:04-CV-02531-GGH**

STIPULATION AND ORDER  
REMANDING THE CASE AND  
DIRECTING THE CLERK TO ENTER  
JUDGMENT

15 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys,  
16 and with the approval of the Court as provided below, that although it is the Commissioner's  
17 position that the Court lacks subject matter jurisdiction in the above-referenced case, upon  
18 further review the Appeals Council has requested a voluntary remand of the case for further  
19 administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the  
20 Commissioner will issue a favorable decision, finding that Plaintiff had good cause for late filing  
21 a request for administrative review of her 1988 Disability Insurance Benefits claim, and will  
22 order a calculation of benefits on that claim.

23 The parties further stipulate that Plaintiff voluntarily withdraws her claim for  
24 declaratory relief pursuant to Fed. R. Civ. P. 41(a).

25 It is further stipulated that the Clerk shall enter a separate judgment, as provided for  
26 under Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v.  
27 Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

28 The parties further stipulate that counsel for Plaintiff will provide a facsimile of this

1 stipulation bearing counsel's signature for retention in Defendant's case file, and hereby  
2 authorizes counsel for Defendant to file this document in .pdf format under the latter's Electronic  
3 Case Filing password, pursuant to Local Rule 7-131.

4 DATED: November 22, 2005

/s/ Eugenie D. Mitchell

Eugenie D. Mitchell

Attorney for Plaintiff

7 DATED: November 22, 2005

McGREGOR W. SCOTT

United States Attorney

9 By: /s/ Bobbie J. Montoya

BOBBIE J. MONTOYA

Assistant U. S. Attorney

Attorneys for Defendant

12 OF COUNSEL:

LUCILLE GONZALES MEIS

Chief Counsel, Region IX

KRISTINA SHUTE

Assistant Regional Counsel

United States Social Security Administration

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18 **ORDER**

19 **This case is hereby remanded pursuant to sentence four of 42 U.S.C. 405(g)**  
20 **for further proceedings consistent with the stipulation of the parties. The prior**  
21 **administrative decision is vacated and the Clerk of the Court is directed to enter**  
22 **Judgment.**

23 **SO ORDERED.**

24 **DATED: 11/30/05**

/s/ Gregory G. Hollows

**GREGORY G. HOLLOWS**

**UNITED STATES MAGISTRATE JUDGE**

26 alexander.rem